UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,198	12/27/2000	Anil Vasudevan	042390.P9018	7014

			EXAMINER	
7590	02/03/2004		HUYNH, KIM T	

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ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action	**Application No.** 09/750,198	**Applicant(s)** VASUDEVAN, ANIL	
	Examiner Kim T. Huynh	**Art Unit** 2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3 </u>months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
       NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See attachment.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *none*.

    Claim(s) objected to: *none*.

    Claim(s) rejected: *1-20*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

Khanh Dang
Primary Examiner

DETAILED ACTION

Response to Arguments

1.   Applicant's amendment filed on 1/20/04 have been fully considered but does not

place application in condition for allowance.

a. In response to applicant's argument that Papa fails to disclose network

transmission protocols. As notes in figure 2, col.4, lines 18-55, Papa discloses computer

system comprise a system board, a backplane board interconnected with the system

board and a plurality of canisters interconnect with the backplane board. A number 'n'

of CPU are connected through a host bus to a memory controller which allows for

access to memory by the other system components. The bus systems (PC buses) such

PCI, ISA, EISA and Microchannel. (PC buses are transmission protocol which can be

any type PCI, ISA, EISA and Microchannel) PC buses designed to any type of bus

which connected to a canister which are casings for a detachable bus system and

provide multiple slots for adapters. Therefore it is clear that Papa does read on the

breadth of the claims language, thus properly stated in the rejection of record.

b. In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner relies

on Wadsworth's reference the teaching of UDP or TCP/IP protocol (col.9, lines 18-20).

As Wadsworth notes at col.1, lines 10-45, further cited for clarifications, it is well

established in the art to provide the LAN carry on several different types of

communications at the same time such that the TCP/IP based communications for

UNIX-type between LAN and a peripheral device. Wadsworth's purpose is concerns

transmission from the workstation (LAN) to network device. (col.1, lines 7-20), it is clear

that Wadsworth is analogous art and therefore properly combinable for the purpose

stated in the rejection of record.

Kim Huynh

Jan. 28, 2004